



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/041,719

01/08/2002

Daniel R. Ahles

34250-1180

4154

29952

7590

06/25/2008

SUTHERLAND ASBILL & BRENNAN LLP

999 PEACHTREE STREET, N.E.

ATLANTA, GA 30309

EXAMINER

POINVIL, FRANTZY

ART UNIT

PAPER NUMBER

3692

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/041,719

**Applicant(s)**

AHLES, DANIEL R.

**Examiner**

Frantzy Poinvil

**Art Unit**

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Applicant's arguments filed 3/17/2008 have been entered and fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bogosian et al. (US Patent No. 6,760,470).

The Examiner's response to the applicant's amendment and argument is incorporated in the instant rejection.

As per claim 1, Bogosian et al disclose a system and method or computer programmed for determining the accuracy of a check identifier entered by a user from a computer. (See the abstract). The system and method comprise:

Remotely receiving a first check identifier that has been entered by a user from a computer in a non-automated manner, the check identifier identifying a negotiable instrument (column 6, lines 10-41) ;

comparing the first check identifier with checking account records stored in a database (column 6, line 42 to column 8, line 36);

if the first check identifier does not relate to a checking account record stored in the database, requesting that the user reenters the first check identifier in a non-automated manner thereby obtaining a second check identifier (column 8, lines 36-67 and figure 8);

comparing the second check identifier with the first check identifier (column 6, line 42 to column 8, line 36); and accepting the second check identifier, if the second check identifier is consistent with the first check identifier (column 12, lines 11-41).

Applicant has amended the independent claim 1 to recite:

"if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier without requesting additional entry of check identifier information from the user in a non-automated fashion".

As per this newly added limitation, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 2, Bogosian et al teach the first check identifier comprises a routing number, an account number, and a check number (column 6, lines 35-41 figures 7-8 of Bogosian et al.).

As per claim 3, Bogosian et al teach remotely receiving a check identifier wherein the check identifier comprises a plurality of digits (Column 6, lines 10-41 and figure 7), and wherein at least some of the digits have been entered by a user in a non-automated manner (column 6,

lines 10-41); and requesting reentry of the check identifier if the received check identifier does not relate to an entry in a database (column 8, lines 36-66).

Applicant has amended independent claim 3 to recite ‘accepting the check identifier when it relates to an entry in the database without requesting additional entry of check identifier information from the user in a non-automated fashion” and argued that this limitation is not found in Bogosian et al.

In response, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 4, Bogosian et al teach the check identifier comprises a routing number, an account number, and a check number (column 6, lines 35-41), wherein requesting reentry of the check identifier comprises requesting reentry of the check identifier if the routing number and the account number of the received check identifier do not match an entry in a database (column 8, line 35-67 and column 11, lines 15-61).

As per claim 5, Bogosian et al further teach storing in a database data about multiple checking accounts (column 4, lines 42-61);

Remotely receiving a check identifier wherein the check identifier comprises a plurality of digits, and wherein a user has entered at least some of the digits other than by scanning a paper check upon which the check identifier is printed (column 6, lines 10-41); and

requesting reentry of the check identifier other than by scanning a paper check upon which the check identifier is printed if the received check identifier does not relate to the data stored in the database (column 8, lines 36-67 and figure 8).

Applicant has amended the independent claim 5 to recite “accepting the check identifier when it relates to an entry in the database without requesting additional entry of check identifier information from the user in a non-automated fashion”.

As per this limitation, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 6, Bogosian et al teach storing in a database data about multiple checking accounts comprising storing in the database at least a routing number and an account number of each of the multiple checking accounts (column 4, lines 42-61).

As per claim 7, Bogosian et al disclose the check identifier comprises a routing number, an account number and a check number (column 6, lines 10-41 and figure 7).

As per claim 8, Bogosian et al disclose accepting the received check identifier as a correct entry if the received check identifier relates to the data stored in the database (column 12, lines 11-41).

As per claim 9, Bogosian et al further disclose:

receiving a reentered second check identifier (column 7, lines 50-59);

comparing the second check identifier with the first check identifier (column 6, line 42 to column 8, line 36); and

accepting the second check identifier as a correct entry if the second check identifier matches the first check identifier (column 12, lines 11-41).

As per claim 10, Bogosian et al further teach storing at least the routing number and the account number of an accepted check identifier in the database (column 4, lines 42-67).

As per claim 11, Bogosian et al disclose a system and method or computer programmed confirming the correct entry of a check identifier in MICR format associated with a check transaction, the method comprises:

storing in a database, portions of multiple check identifiers in MICR format associated with multiple checking accounts, wherein the portions of a check identifier comprise at least a routing number and an account number of the check identifier (column 4, lines 42-67);

remotely receiving a first user-entered check identifier in MICR format associated with a check transaction (column 6, lines 10-35), wherein the first check identifier is entered other than by scanning a paper check upon which the first check identifier is printed (column 6, lines 35-41);

requesting reentry of the first user-entered check identifier if the routing number and account number of the first user-entered check identifier do not match the routing number and account number of one of the check identifiers stored in the database (column 8, lines 37-67);

remotely receiving a second user-entered check identifier in MICR format in response to the request to reenter the first user-entered MICR wherein the second check identifier is entered

other by scanning a paper check upon which the second check identifier is printed (column 11, lines 15-67), and accepting the second user-entered check identifier if the second user-entered check identifier matches the first user-entered check identifier (column 12, lines 11-41).

Applicant has amended the independent claim 11 to recite “accepting the first check identifier if the routing number and the account number of the first user-entered check identifier match the routing number and account number of one of the check identifiers stored in the database without requesting the additional entry of check identifier information from the user in a non-automated fashion”.

As per this limitation, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claims 12-14, Bogosian et al disclose receiving a first user-entered check identifier comprises receiving a first check identifier typed by the user on a computer keyboard, or on a touch tone or on a voice input spoken by the user into a telephone (see column 6, lines 10-41).

As per claim 15, Bogosian et al disclose a system and method or computer programmed for confirming the correct entry of a check identifier entered by a user, the system comprising:

receiving module configured to receive a first check identifier entered by a user and further configured to receive a second check identifier entered by the user, wherein the first and second check identifiers are entered in a non-automated manner (column 6, lines 10-41, column 8, lines 36-67 and figures 7 and 8);



a searching module configured to search a database connected to the system for a record that relates to the received first check identifier (column 6, line 42 to column 8, line 36); and

a requesting module configured to transmit a request for receiving a second check identifier entered by the user, if the searching module cannot find in the database a record that relates to the received first check identifier (column 8, lines 36-67).

Applicant has amended the independent claim 15 to recite “an accepting module that accepts the first check identifier entered by the user without requiring the user to enter additional check identifier information in a non-automated fashion when the searching module finds in the database a record that relates to the received first check identifier” and argued that this limitation is not present in Bogosian et al.

In response, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 16, Bogosian et al disclose the receiving module is configured to receive a first check identifier entered by a user from a computer and further configured to receive a second check identifier entered by the user from the computer (figures 7 and 8).

As per claim 17 Bogosian et al teach the receiving module is configured to receive a first check identifier entered by a user from a telephone and further configured to receive a second check identifier entered by the user from the telephone. See column 6, lines 10-41 and column 8, line 37-67.

As per claim 18, Bogosian et al disclose a system and method or computer programmed for confirming the correct entry of a check identifier entered by a user, the system comprising;

a storing module configured to store in a database records about multiple checking accounts, the database being connected to the system (column 4, lines 42-67);

a receiving module configured to receive a first check identifier entered by a user and further configured to receive a second check identifier entered by the user, wherein the first and second identifiers are entered in a non-automated manner (column 6, lines 10-41 and column 8, lines 36-67 and figures 7 and 8);

a searching module configured to search the database for a stored record that relates to the received first check identifier (column 6, line 42 to column 8, line 36); and a requesting module configured to transmit a request for remotely receiving a second check identifier entered by the user, if the searching module cannot find in the database a stored record that relates to the received first check identifier (column 8, lines 36-67).

Applicant has amended the independent claim 18 to recite "an accepting module that accepts the first check identifier entered by the user without requiring the user to enter additional check identifier information in a non-automated fashion when the searching module finds in the database a record that relates to the received first check identifier" and argued that the prior art failed to teach this feature.

In response, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 19, Bogosian et al further teach the storing module is configured to store in the database a routing number and an account number of each of the multiple checking accounts (column 6, lines 35-4 and figures 7-8), and wherein the searching module is configured to search the database for a stored record whose routing number and account number match the routing number and account number of the received first check identifier (columns 7-12).

As per claim 20, Bogosian et al disclose a system and method or computer programmed for determining or confirming the identification information contained in the face of a check. In so doing, Bogosian et al teach:

a check processing system for confirming the correct entry of a check identifier, the check processing system comprising a receiving module configured to receive a first check identifier from a user and to receive a second check identifier from the user (columns 6-12 of Bogosian et al). Bogosian et al state that these information are entered by a customer. Bogosian et al do not explicitly state the check identifiers are received from a merchant. As per this feature, the Examiner asserts that customers usually submit credit or debit cards or payment information to a merchant or seller from which they attempt to purchase goods/services from. Thus, the merchant or seller transmitting the customer's account number to the system of Bogosian et al would have also been obvious to one of ordinary skill in the art to do at the time the invention was made especially if the customer did not pre-register with the system so as to quickly process the customer's payment of a purchased good or service.

As per claim 21, Bogosian et al. disclose the receiving module is configured to

receive a first check identifier including a routing number, an account number, and a check number from the user. See column 4 of Bogosian et al.

As per claims 22-23, Bogosian et al disclose the receiving module is configured to receive a first check identifier including a routing number, an account number or a check number. See column 4 of Bogosian et al. Receiving separator symbols or replacement symbols from the user is not explicitly taught by Bogosian et al. Such would have also been obvious to one of ordinary skill in the art to do because different financial institutions use different number of digits in an MICR, thereby covering or accepting payments from most banks or financial institutions.

As per claim 24, Bogosian et al disclose a system and method or computer programmed for determining whether check information printed on the face of a check has been altered. In so doing, Bogosian et al teach a system for confirming the correct entry of a check identifier, the system comprises a processor circuit configured to store in a database multiple checking account records, the processor circuit being further configured to receive a first check identifier entered by a user in a non-automated manner and to remotely receive a second check identifier entered by the user in a non-automated manner, the processor circuit being further configured to search the database for a stored checking account record that relates to the received first check identifier, and the processor circuit being further configured to transmit a request for receiving a second check identifier entered by the user, if the processor circuit cannot find in the database a stored checking account record that relates to the received first check identifier. Applicant is

referred to figures 7-8 and columns 7-12 of Bogosian et al. See also the rejection of claim 15 above.

Applicant has amended the independent claim 24 to recite “wherein the processor if further configured to accept the first check identifier when the processor circuit finds in the data base a stored checking account record that relates to the received first check identifier without requiring additional entry of identifier information from the user in a non-automated manner” and argued that the prior art failed to teach or suggest this limitation.

In response, the Examiner asserts that if the first check identifier relates to a checking account record stored in the database, accepting the first check identifier would have been obvious to one of ordinary skill in the art since there would be no need to obtain any additional information from the user or client.

As per claim 25, Bogosian et al disclose the processor circuit is configured to store in the database a routing number and an account number of each of the multiple checking account records. See column 4 of Bogosian et al.

As per claim 26, Bogosian et al disclose a system and method or computer programmed for confirming the correct entry of a check identifier entered by a user. The system comprising:

a receiving means for receiving a first user-entered check identifier wherein the first check identifier is entered in a non-automated manner (column 6, lines 10-41);

a searching means for searching in a database for a stored record that relates to the first user-entered check identifier (column 6, line 42 to column 8, line 36);

a requesting means for requesting the user to enter a second user-entered check identifier if the searching means cannot find a stored record in the database that relates to the first user-entered check identifier, wherein the second check identifier is entered in a non-automated manner (column 8, lines 36-67 and figure 8);

a comparing means for comparing the second user-entered check identifier with the first user-entered check identifier; and an accepting means for accepting the first user-entered check identifier as a correct entry (column 8, lines 36-67 and column 12, lines 11-63) if the second user-entered check identifier matches the first user-entered check identifier, irrespective of whether a stored record that relates to the first and second user-entered check identifiers exists, or if the searching means has found a stored record in the database that relates to the first user-entered check identifier.

As per claim 27, Bogosian et al disclose storing means for storing in the database checking account records (see column 4, lines 34-67).

### **REMARKS:**

Applicant has made a number of amendments to the claims specifically to the independent claims and argued that the reference Bogosian et al fails to teach or suggest “comparing the second check identifier with the first check identifier and accepting the second check identifier, if the second check identifier is consistent with the first check identifier (same or different or one or more of the same or different symbols).

In response, the Examiner notes that whether or not such a feature is present in the system and method, this feature does not bring any patentable differences. Firstly, it is noted that

there appears to be no functions being performed with the result of "accepting the second check identifier" in the remaining of the body of the independent claim 1. Secondly, comparing a first and second inputted data (whether automated or in a non-automated manner) in a computer system, is an old and well known feature practiced in many different art. For example, automated teller machines (ATM's), the inputting of logins of ID's or passwords are a similarly well known and adapted function which checks inputted data, with or without previously inputted data and with stored data in a server or database so as to allow access to a system or to allow further processing as desired. Thus, it is common sense or instantly obvious to recognize that if a previously entered information such as a first check identifier does not correspond to an identifier in a stored database, then reentering another identifier and checking if the re-entered identifier is the same as the firstly entered identifier or matches that in the database would have been obvious to the one of ordinary skill in the art in order to allow further processing of the check once and if there is a match. Furthermore, these are well known database techniques abundantly practiced at the time the invention was made. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to introduce such a well known technique or concept in the system of Bogosian et al in order to deter fraud within their check system.

Bogosian et al is directed to a system and method for facilitating online purchasing and payment. In the Bogosian et al reference, it is stated that a buyer visiting a particular merchant site, selects particular items to be purchased. In regard to payment, the buyer presents a check which is readable by a computer which can extract certain check identifiers from the face of the check. A screen with data fields is also displayed to the user to insert certain fields data or check

identifiers. See figure 4 and column 6, lines 23-42 of Bogosian et al. A comparison between the entered fields and a database is made to ascertain the validity and accuracy of the check fields or identifiers. The result is displayed to the user. See column 8, lines 23-36 of Bogosian et al. Depending on the result, the user may be asked to reenter the datafields or check identifiers in at least one or more additional attempts. See column 8, lines 37-60 of Bogosian et al.

Appellant then states that the other remaining independent claims are somewhat different from independent claim 1 and recite patentably different subject matter.

In response, the Examiner disagrees with the appellant's assertion. All the independent claims appear to recite similar subject matter since there is not a function being performed with the second check identifier.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.



***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Frantzy Poinvil/  
Primary Examiner  
Art Unit 3692**

FP

June 5, 2008